

The Hamilton County Board of Commissioners met on Monday, January 28, 2002 in the Commissioners Courtroom in the Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana 46060. The Commissioners met in Executive Session.

Board of Finance: (Tape 1, #836)

Hamilton County Board of Finance President Steven C. Dillinger called the January 28, 2002 meeting to order. A quorum of Commissioner Sharon Clark, Commissioner Steve Dillinger and Treasurer Sally Wilson were present.

Election of Officers:

President - Clark ratified the appointment of Commissioner Dillinger as President of the Hamilton County Board of Finance. Ms. Wilson seconded. Motion carried unanimously.

Secretary - Clark nominated Sally Wilson as Secretary to the Board of Finance. Dillinger seconded. Motion carried unanimously.

Annual Financial Report:

Ms. Wilson asked if the presentation of the Annual Financial Report could be tabled for two weeks? Clark motioned to approve. Dillinger seconded. Motion carried unanimously.

Clark motioned to adjourn the meeting. Dillinger seconded. Motion carried unanimously.

Hamilton County Board of Commissioners Meeting:

President Clark called the meeting to order. A quorum was declared present consisting of Commissioner Sharon R. Clark and Commissioner Steven C. Dillinger. Commissioner Steven A. Holt was absent. The Pledge of Allegiance was recited by everyone.

Executive Session Memoranda:

Dillinger motioned to approve the Executive Session Memoranda of January 28, 2002. Clark seconded. Motion carried unanimously.

Annual Highway Bid Openings:

Mr. Tom Stevens turned over a bid package from D=Angelo Brothers that was delivered to the Highway Department this morning. The bid packet was inadvertently opened by the receptionist at the Highway Department who did not know it contained a sealed bid. Nothing was comprised, it was immediately placed back in the packet and sealed. Mike Howard opened the Annual Highway Bids in the Conference Room. Tom Stevens, Highway Director and Dawn Coverdale, Chief Deputy Auditor were in attendance for the bid opening.

Dick Frost Commentary: (Tape 1, #996)

Mr. Dick Frost read a commentary to the Board of Commissioners and submitted a copy of it for the record.

Plat Approvals:

West Carmel Center Replat Block A:

Long Branch Estates, Section 1:

Mr. Steve Broermann presented West Carmel Center Replat Block A and Long Branch Estates, Section 1 for approval. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Appointments:

Hamilton County Regional Transportation Authority:

Hamilton County Council on Aging:

Clark motioned to appoint Judy Levine to the Hamilton County Regional Transportation Authority and the Hamilton County Council on Aging. Dillinger seconded. Motion carried unanimously.

Hoosier Heritage Port Authority:

Clark motioned to appoint Judy Levine to the Hoosier Heritage Port Authority. Dillinger seconded. Motion carried unanimously.

Nestledown Farms Subdivision Right-of-Way Issue: (Tape 1, #1253)

Mr. Butch Lockhart, 11567 Spyglass Ridge, Fishers, stated he has a small development of six lots called Nestledown Farms which is located 2 miles east of Ohio Road on 113th Street. When installing a sign in August 2000 he was surprised to find out a few months later that the sign was located within the 60' right-of-way from the centerline. Mr. Lockhart presented a chronological order of events for the record. In August 2000 he contracted with a sign company to install the 5' X 10' brick sign at the entrance of Nestledown Farms. The sign handled the permits and construction of the sign. The City of Noblesville issued a permit for the sign on August 22, 2000. The plot plan was left with the City of Noblesville. The sign was installed based on the permit issued. He received a letter from Mr. Dave Lucas, Hamilton County, indicating the sign was in county right-of-way. Mr. Lockhart stated he thought he had all the permits to install the sign. In further discussions with Mr. Lucas and other individuals this happens often. Permits are issued, but they don't communicate that a permit needs to be issued from the county. He would have applied for the county permit at that time had he known the requirement. He had no intention of installing a sign that was in violation of any county guidelines. He requested a variance and it was indicated to him he would need to come before the commissioners. Mr. Lockhart stated this issue was let go for a year due to some personal issues. In December 2001 Mr. Lucas indicated that the sign would be removed at the county's expense and he would be billed for it or he would file suit. Mr. Lockhart stated he was surprised that there was no communication to him that he needed to go to the county for a permit. His sign company has indicated they have never had this situation come up before. Mr. Lockhart requested a variance to leave the sign at its current location, which is approximately 30'-35' from the centerline. Mr. Locke distributed a letter outlining the highway department's concerns. They have some grave concerns about the continued encroachments on our right-of-ways. They damage the ability to relocate utilities and do other types of work between now and the time we widen the roadway. There are also long

term litigation costs and safety concerns. We have worked hard to obtain the right-of-ways. Mr. Locke stated there are items closer to the road in that area, but there are no others within the right-of-way. Our staff is working very hard to insure there are no additional items in the right-of-way. Mr. Locke asked Mr. Lockhart if the permit he gave back to the highway department was given to him by his sign company? Mr. Lockhart stated yes. Mr. Locke stated they went to the Noblesville Planning Department and he does not think there is any miscommunication between us and them. They are very aware that if a sign is put within right-of-way they would deny the permit and they would tell you up front that it would not be allowed as a permitted process through the county. Your permit with the City of Noblesville clearly shows the sign is to be located back in easement outside all of the right-of-ways at that location. They would have had no need to tell you to come to us to get a permit because you did not apply for a permit to put the sign in right-of-way. They are fully prepared at this time to issue a notice that you did not construct in accordance with the approved permit. We do not feel there are any communication problems. We have all our permit information online. As things change we send notices to the developers on a regular basis. We have brochures for the public and developers. Noblesville did an excellent job. Mr. Locke requested the Board concur with the highway department and require that sign be removed or relocated from right-of-way in 30 days. Mr. Locke showed the Commissioners the location of the sign on a map and a copy of the permit submitted to the City of Noblesville. Mr. Locke stated this is going to be a major east-west route. It is a primary arterial connecting Olivo Road and SR 238. Mr. Lockhart stated there are two issues, a safety issue and the possible widening of the road. Mr. Locke stated right now it would be scheduled as a four or five lane facility. Mr. Locke stated a lot of the fences would have to be relocated. Dillinger stated the sign will have to come out sooner or later. Dillinger asked if we could compromise and let him leave the sign until such time as it needed to be removed and then he would pay to have it removed? Mr. Locke stated the other issue is that is where we have four lots with individual property owners verses a corporation holding that property. It will be very hard to get them to relocate the sign in a timely manner. With this in the thru right-of-way and we would be blocking utilities from relocating we are saying we won't protect the right-of-way for improvements in an inexpensive and expedient manner. Clark asked if the agreement read that Mr. Lockhart would move within 30 days when the conflict occurs, would that enable the utilities to move at a reasonable pace? Mr. Locke stated he thinks we would end up in litigation with someone who says they bought the property and did not know they would have to relocate the sign. Mr. Locke stated we are having so many of these that if the commissioners do not enforce this the issue of everyone else putting them in and coming back for a permit is going to escalate. Clark asked how long was the sign in place before our inspector picked it up? Mr. Lockhart stated 3 or 4 months. Mr. Locke stated it is so important to protect the right-of-way. Mr. Lockhart stated no one indicated that a permit was needed from Hamilton County, why would they not have told us? Mr. Locke stated if you would have put the sign where you showed it on the plan you would not have needed a permit from the county. Dillinger motioned to deny the appeal. Clark seconded. Clark stated she would like Mr. Lockhart to go back to his sign people. Dillinger asked if that is an issue between him and his sign people, it is not an issue for right-of-way. Clark stated yes it is, she has sympathy for citizens that get caught between entities. Mr. Locke stated he did not get caught, he did not need a permit from us. Dillinger stated if we let this sit here and people buy those lots and we put in our four lanes and we have an agreement that they need to move the sign out of our right-of-way and there is no one to do it but the homeowners, then we have created a new bureaucracy. Mr. Locke stated we ran into this

on 146th Street several times. Mr. Lockhart stated he understands Mr. Locke's position. He does not know what other options he has. Dillinger stated your option is between you and your sign people. With all the road projects we have within this county if we don't keep this straight as we go along we run into bigger issues and you will have to remove it anyway. Mr. Lockhart asked if you look at anyone who has applied for a building permit or a road cut within the last four years, is there a 60' right-of-way requirement? Mr. Locke stated anyone who has platted a new subdivision since the thoroughfare plan has been in effect for that section of road is required to do a 75' at intersections half right-of-way. Mr. Lockhart asked if a homeowner puts a driveway onto 113th Street what would be the requirement for mailboxes or fences or signs, permanent structures? Mr. Locke stated they would have to research the right-of-way and depending what the right-of-way was they would have to get a permit for the driveway. Mailboxes do not require a permit. Driveways do require a permit to be in right-of-way. Mr. Lockhart asked when Reggie Miller had to rebuild was there a 60' requirement? Mr. Locke stated he did not replat or subdivide his property. If he had replatted or subdivided his property he would have had to dedicate a 60' half right-of-way. Building a structure in and of itself does not require a right-of-way dedication. Mr. Locke stated our permit inspector had the same concern and he researched it and they did build outside of the right-of-way. Mr. Lockhart asked if he could have 1 year to reposition that sign? Motion to deny carried unanimously. Mr. Locke stated we have already given him one year, he does not have a problem with 90 days. Mr. Lockhart stated he was on notice a year ago and this was his first opportunity to present it to find out it would be denied. He would come back to the issue that you happen to have utilities that tell you in May and if you need to issue a 30 day or 90 day window he would agree with that. He would like some time, he has to negotiate this, he has considerable expenses that he had not planned on committing. Clark asked Mr. Lockhart if the highway department is in need of the right-of-way within the next year and they notified you, you would be able to remove the sign in 30 days? Mr. Lockhart stated he would force it to happen, otherwise he would like the economic time frame to get it done, certainly before winter of next year. Dillinger motioned to give him 120 days to negotiate with your sign people and then it has to come out of there. Clark seconded. Motion carried unanimously.

Madison County: (Tape 1, #2625)

Commissioner Paul Wilson representing Madison County, stated he would like to discuss a situation in Madison County and partially in Hamilton County with the Village of Fishersburg. Fishersburg is on the county line on SR 32 and there is a problem in this unincorporated village with a septic situation which has been going on for several years. The citizens of Fishersburg are moving towards installing sewers in the neighborhood. Madison County has entered into an agreed order with IDEM to separate the Addison drain from pollution in the village. Part of the village, due to septic problems, is polluting the county drain. We have until December 31, 2003 to take care of that. In the meantime the citizens of Fishersburg in cooperation with the Town of Lapel are moving forward to sewer the entire village. That incorporates nine homes that are within Hamilton County. Madison County has dedicated \$225,000 of food and beverage money toward the serving of Fishersburg. The nine homes in Hamilton County will be part of the sewer project. We were wondering if Hamilton County would consider contributing a like dollar amount per household that Madison County has done to help with this project. Every dollar put in up front for this project we help reduce the amount of borrowing the neighborhood will have to do and will help lower their monthly sewer bills. The Addison Drain runs into Stony Creek

which runs into Hamilton County. He does not expect an answer today. Dillinger asked why is the county paying for this and not the residents? Commissioner Wilson stated their problem is the drain. There are many failed systems in the Fishersburg Village. Our agreement with IDEM is that we will clean up the septic problem in the entire neighborhood. Our only other option would be to reconstruct the drain and if we did that we are sure there would be an immediate repercussion. We have tried to come up with money to get it started and reduce the costs. Lapel has agreed to accept this neighborhood into their sewer system after the sewer is installed. The estimated cost of the project is \$1,089,000. We are sponsoring a community focus grant and we are looking at SRF funding or rural development funding to acquire the rest of the money which is in addition to our \$225,000. As it stands right now the monthly rates will be in excess of \$65.00 to \$70.00 per month. Clark asked what is each homeowner having to pay for the sewer system that is coming to them? Commissioner Wilson stated until they get done with the grant stage we are not clear what it will exactly be, it will be a division of whatever the total project is. Clark stated considerable more than \$3,000 per household? Commissioner Wilson stated yes. You have 78 homes in Fishersburg and \$1,089,000 in debt. Dillinger stated this is a unique situation and we need to let our attorney take a look at it and see what is appropriate. Clark asked when would you like an answer? Commissioner Wilson stated within the next 2-3 months. Clark stated we should have an answer to you by April 1st.

Kappes Amendment to Agreement for Purchase of Real Estate:

Mr. Miles Kappes, 9115 E. 146th Street, requested the Commissioners alter their agreement for the purchase of right-of-way that was entered into in November 1998. Mr. Kappes has spoken to the highway department about increasing the number of lots. In the agreement he was originally under the jurisdiction of Noblesville. When they applied for rezoning Noblesville refused to deal with him. The Town of Fishers has annexed him into Fishers. Their preliminary approval of zoning for an R5 allows him to do nine lots. We proceeded on that basis, forgetting that our agreement with Hamilton County says eight lots. That was a function of sizing the sewer and making it available to the property. It was a requirement of the agreement that the highway department in their extension of the sewer serve the neighborhood on the southeast corner of Allisonville Road and 146th Street would make sewers available to his property as well for eight units. The property as it existed historically had two curb cuts, they wish for that to remain and they tied that to eight units. In the rezoning process with Fishers they have agreed to nine lots through the TAC review the highway department reminded him that he agreed to eight lots. Mr. Locke presented a copy of a letter dated January 15, 2002 sent to Arvin Carpenter, Miller Surveying with the highway department's comments. Mr. Locke stated he is not sure what action needs to be taken regarding the nine lots. The highway department does not see a reason that nine lots would not be acceptable as long as there are no additional road cuts being requested and as long as Mr. Kappes agrees to and follows through on all of the items listed in the January 15, 2002 letter. The most important would be the application of project review. We have given Mr. Kappes two weeks to get the money into us to have it reviewed. He is not sure why we are talking today without having us review it. Mr. Kappes stated he has not seen the letter to Mr. Carpenter. Mr. Locke stated subject to the issues of how it is done, as long as Mr. Kappes agrees to all of these items, with the exception of item #7, which would obviously be overridden, which is the revision of the plat to eight lots. As long as he has met all those requirements and agreed to request no additional driveways, which there is a non-access easement request in this letter and paid all of his fees we would have no problem in changing that to nine lots. Mr. Howard stated

he does not believe we need to sign a new written agreement if the Board agrees to amend the prior agreement which the Board approved November 9, 1998 and to change eight lots to nine lots in motion form would be adequate. All other terms remain constant, subject to the January 15, 2002 letter from the Steve Broermann of Hamilton County Highway Department to Arvin Carpenter of Miller Surveying. Mr. Kappes stated he has no problem with that. They had intended to follow thru with everything else. Dillinger motioned to approve Les= recommendation as Mr. Howard outlined. Clark seconded. Motion carried unanimously. Mr. Locke stated before we sign anything Mr. Kappes will need to revise his plat and write us a check.

Mr. Kappes stated in our agreement one of the things required is an additional 15' of right-of-way. In our agreement the curb cuts were to be extended at the county's expense to the right-of-way line. Mr. Kappes asked what happens now. We are doing a private drive, which means it does not need to meet the specs. Are you going to extend the existing curb cuts to the new right-of-way line? Mr. Locke stated no we will not. Mr. Locke stated you will need to meet county standards. The section between the existing right-of-way line and the newly platted right-of-way line, your thickness for new driveways, will need to meet minimum county standards. Clark asked if this will come up at TAC. Mr. Howard stated yes. Clark asked if this should be discussed with the highway department? Mr. Kappes stated his agreement with the Commissioners calls for the extension of that curb cut to the right-of-way line. At the time of this agreement the right-of-way line was a 60' half, now they are asking for it to be a 75' half. Clark asked Mr. Locke if we have changed our position? Mr. Locke stated no, we acquired the right-of-way as currently shown to do our current project. Subject to the design of that project, three or four years ago, Mr. Kappes decided to plat this project and he now has to dedicate right-of-way according to the Thoroughfare Plan. We do not acquire right-of-way for our projects in accordance with the Thoroughfare Plan if we can't show a use for it. Clark asked if we required only 60' to build the project? Mr. Locke stated right. Mr. Howard stated we have extended to the 60' right-of-way line our right-of-way. Mr. Locke stated we have installed the driveway to the right-of-way as shown in the agreement which was needed for the project. The question is if do we come back now and add another 15' of driveway because of requiring another 15' based on the thoroughfare plan. Clark stated Mr. Locke is saying there are two separate issues? In order to do the project we acquired 60' of right-of-way, but Mr. Kappes is platting a development which means you must dedicate sufficient right-of-way to meet our thoroughfare plan. Mr. Kappes stated he has no problem with that, the issue the way it is stated in the agreement is that the county will extend the driveway cut to the right-of-way line or as it says At such locations as may be approved by subsequent planning and zoning procedures. @Mr. Kappes stated this is something he had not planned on he had assumed at the time the county bought the right-of-way you would have bought everything you needed. Mr. Kappes stated he does not mind extending the driveway through the right-of-way, but if he has to meet the standards of the county it is going to require an additional expense which he had not counted on. Mr. Kappes stated the private drive would be typical residential asphalt construction since it is not going to be a dedicated street. Mr. Howard asked Mr. Kappes what standards is he building his private driveway at? Mr. Kappes stated they will do residential construction which is 6" stone, 3" binder and 1" topping. Mr. Locke asked if you are using asphalt? Mr. Kappes stated yes. Mr. Locke stated we would have no problem with that. Mr. Kappes asked if he can do that in right-of-way? Mr. Howard stated to edge of right-of-way.

Dillinger Recognition:

Clark thanked Commissioner Dillinger for his tenure as President last year.

Highway Business: (Tape 2, #155)**Road Cut Permits:**

Mr. Locke requested approval of Open Road Cut Permits. 1) RDCUT 2002-001 - Wilfong Construction Co., Inc. At 2 mile east of US 421 on 116th Street for 21" storm sewer for Long Branch Estates; 2) RDCUT 2002-002 - Eagle Valley, Inc. On 116th Street 3,200' east of US 421 to install sanitary sewer to serve new addition. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Highway Department:

Mr. Locke requested acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B-01-0157 - Developers Surety and Indemnity Company Rider for Bond No. 886922P dated December 3, 2001 changes bond number to 886922S issued on behalf of Weihe Construction, Inc. 2) HCHD #B-02-0003 - Gulf Insurance Company Subdivision Bond No. B21851379 issued on behalf of Northside Investments, LLC in the sum of \$208,800 for curbs, streets and signs in Long Branch Estates, Section 1 to expire January 9, 2004. 3) HCHD #B-02-0004 - Travelers Casualty and Surety Company Maintenance Bond No. 103510279 issued on behalf of Glendale Partners of West Carmel LLC in the sum of \$53,000 for commerce drive and retail parkway located at West Carmel - Target to expire January 9, 2005. 4) HCHD #B-02-0005 - Fidelity and Deposit Company Permit Bond No. 08621059 issued on behalf of Eagle Valley, Inc. in the sum of \$10,000 to expire January 22, 2003. 5) HCHD #B-02-0006 - Western Surety Company Permit Bond No. 43054171 issued on behalf of Terry Pool Company in the sum of \$5,000 to expire January 21, 2003. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - Highway Department:

Mr. Locke requested approval of release of Bonds and Letters of Credit for the Highway Department: 1) HCHD #L96-0001 - National City Bank of Indiana Letter of Credit #44447 issued on behalf of The Reserve at Spring Mill, Section II for street and curbs except Sanner Court. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Agreements: (Tape 2, #229)**146th Street/US 31 Ramps Project Engineering Supplement No. 1:**

Mr. Locke requested approval of Supplement No. 1 for the 146th Street/US 31 Ramps Project, HCHD #E-01-0004 with American Consulting, Inc. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

146th Street/US 31 Ramps Project Inspection Services Supplement No. 1:

Mr. Locke requested approval of Supplement No. 1 Inspection Services for the 146th Street/US 31 Ramps Project, HCHD #E-01-0007 with American Consulting Engineers. Dillinger motioned

to approve. Clark seconded. Motion carried unanimously.

Field Drive, SR 19 Utility Agreement:

Mr. Locke requested approval of a reimbursable utility agreement between Hamilton County, City of Noblesville and PSI Energy, Inc. for Field Drive, State Road 19 and Field Drive Bridge Projects. Dillinger motioned to approve. Clark seconded. Clark asked if this is additional money? Mr. Locke stated this is already budgeted. Motion carried unanimously.

146th Street Contract No. 3 Supplemental Agreement No. 1:

Mr. Locke requested approval of Supplemental Agreement No. 1, HCHD #E-99-0003, for construction of 146th Street Contract No. 3 with United Consulting Engineers & Architects. Dillinger motioned to approve. Clark seconded. Mr. Neal stated our construction time has gone further than originally anticipated. Clark asked if we are still within budget, do we still have money. Mr. Neal stated he has money to cover these agreements. Mr. Locke stated we have a meeting with Mike Reuter this week to see where we are on all of these projects. If funding does become an issue we will give a partial order to proceed until we are sure there is money in the existing accounts. Mr. Howard stated parts of this project were beyond the original time line. We have received a substantial interest income. Mr. Locke stated there are a few things left to do and we will be issuing change orders which is expected to bring the total costs down on the project. Mr. Neal stated at this point all of our projected change orders are in the negative direction. Clark stated we are still in the black with this? Mr. Neal stated yes. Motion carried unanimously.

Acceptance of Streets:

Target Store Project:

Mr. Locke requested acceptance of streets for the Target Store Project, South of 106th Street/East of US 421 in Clay Township for a total of 0.60 miles. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Official Actions:

Regulatory Signs:

Target Store Project:

Mr. Locke requested approval of an official action for regulatory signs for the Target Store Project, South of 106th Street/East of US 421. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Trails End Drive:

Mr. Locke requested approval of an official action to install regulatory signs on Trails End Drive. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Correspondence: (Tape 2, #483)

USGS Monitoring Wells - 146th Street:

Mr. Locke stated the Commissioners received a letter from Jim Neal regarding USGS Monitoring Wells on 146th Street. USGS is requesting our participation on paying for the installation of three new wells that have been involved with our project or a possible future subdivision project. We can not tell if all of those wells were outside of right-of-way, we don't believe two of them were outside of right-of-way, we believe they were within right-of-way which means they would be required to relocate them. The highway department is recommending, as part of the 146th Street project, that we pick up the costs. Their contractual costs is \$9,100.00. if they pick up all the soft costs, costs of overseeing the costs and doing the work with their staff members. We do know that one of the wells was within our new project right-of-way, which was removed in a timely manner by them for our project and it was not in the original right-of-way. Mr. Neal stated USGS has volunteered to come explain this to the commissioners. We are asking how you want us to proceed. Mr. Locke stated they are basically monitoring the aquifers in that section of the county. Dillinger motioned to approve the engineer's recommendations. Clark seconded. Clark asked about the capping of these wells. Mr. Neal stated two of the existing wells were capped. USGS removed the equipment and oversaw the capping. Clark asked what about the well that paved over and never found? Mr. Neal stated we could never determine its location to do a proper cap. Mr. Locke stated it could have been destroyed by a subdivision that went in prior to our project. We have no way of knowing. Mr. Neal stated our contractor tried to find it and we were unable to find anything where we thought it was. Clark asked if this aquifer has been tested for contamination? Mr. Neal stated this aquifer supplies Carmel and comes into their system and is treated from that point. Clark stated she does not have a problem with the cost, her concern is that well. She would like to talk to them, is it their responsibility to see that the wells are properly capped? Mr. Locke stated we tried using the coordinates they had and we plotted them with our GIS system and their coordinates are almost 600' to 800' off of where we knew the actual well to be on one of the other locations. Clark stated if she has a concern about it she needs to be in touch with USGS? Mr. Neal stated yes. Motion carried unanimously.

Non-platted Subdividing of Ground in Hamilton County:

Mr. Locke requested further direction regarding letters sent to the Town of Arcadia and Town of Westfield in December 2000 asking them to review their policy of subdividing of non-platted ground within their planning jurisdictions. We have never received a response from them. We have asked a few times and they have always said they are working on it. Would the Commissioners like to send them a follow up letter? Clark motioned to table this until the next meeting to wait for Commissioner Holt. Dillinger seconded. Motion carried unanimously.

Acceptance of Right-of Way:

Republic Development Corporation:

Mr. Locke requested acceptance of right-of-way from Republic Development Corporation on 146th Street on the south side from Deer Creek (Verizon Music Center) so we can replace our small structure. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Bridge #138 Consultant Selection: (Tape 2, #757)

Small Structure Replacements:

Mr. Locke requested selection of a consultant for rehabilitation of Bridge #138, 136th Street over Cool Creek and for Small Structure replacements at four locations. Clark asked if we did Quality Based Selection? Mr. Locke stated yes, we did not send out RFP's. Clark asked if she can see the results on the QBS? Mr. Locke stated we don't do a sheet of check offs and numbers. We do follow that process which gives flexibility on how we do these selections. Clark recommended waiting until the next meeting.

Annual Highway Report:

Mr. Tom Stevens presented the commissioners with a draft copy of the Annual Highway Report. Mr. Stevens will be requesting approval of the report at the February 11, 2002 meeting.

Highway Annual Bids:

Mr. Stevens stated the annual highway bids were opened in the conference room. Mr. Stevens will review the bids and bring recommendations at the next meeting. Mr. Howard requested the commissioners authorize Ms. Rauch to incorporate the transcript of the bid opening as part of the minutes in this meeting. The bids should be forwarded to the highway department for review and recommendation at the next meeting. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

(Tape 3) - Mr. Howard opened the Annual Highway Bids in the Conference Room. Form 95, Bid Bond and Financial Statements were included unless otherwise specified. Bids are on file with the Auditor's office. Mr. Stevens stated he intends to present the bids for award at the February 11, 2002 meeting.

Category #1 Aggregates - 1) Irving Materials, 2) U.S. Aggregates, Inc., 3) Martin Marietta Aggregates.

Category #2 Bituminous Mixtures - 1) Milestone Contractors, Inc., 2) MarZane, Inc., 3) E&B Paving, Inc., 4) Rieth-Riley Construction Co., Inc.

Category #4 Pipes/Drainage Structures - 1) CPI Supply, 2) St. Regis Culvert Inc., 3) Metal Culverts, Inc.

Category #5 Pre-Engineered Bridges & Components - 1) American Timber Bridge & Culvert, Inc., 2) Bridge Tek.

Category #7 Salt - 1) International Salt Company, LLC, 2) Morton Salt Company, 3) Cargill Incorporated - Salt Division; 4) North American Salt Company, 5) Young Trucking Inc.

Category #8 Pavement Traffic Markings - 1) T&R Pavement Markings, Inc., 2) Chemi-Trol Chemical Co., 3) United Rentals Highway Technologies, Inc., 4) The Airmarking Co., Inc.

Category #9 Weed & Brush Control - 1) Townsend Tree Service Co., Inc.; 2) Downin's Green Grow, Inc. 3) DeAngelo Brothers, Inc. 4) Chemi-Trol Chemical Co. 5) The Daltons Inc.

Category #10 Hourly Rates-Equipment & Labor - 1) Mt. Hood Co., dba Mt. Hood Tree Service, Inc., 2) Central Indiana Treeworks, 3) Vine & Branch, Inc., 4) Townsend Tree Service Co., Inc.

Category #11 Gasoline/Fuel Lubricants - 1) Hamilton County Coop

Letter of Commendation - Tim Knapp:

Clark presented a letter of commendation for Tim Knapp to be placed in his personnel file.

106th Street and College Project:

Clark stated the cost of the 106th Street and College Avenue project is approximately \$3 million? Mr. Morasch stated the approximate total cost is at least \$2 million. Clark asked if we have held public hearings for this project? Mr. Morasch stated yes, at least 3 and 1 with the State. Clark stated when the last public hearing was held at any time during that public hearing did anyone agree with the design as presented? Mr. Morasch stated he does not know if they officially said so. Mr. Locke stated they have concerns that we have taken into account. We have made some final changes before submitting it back to the State for final design approval, which hopefully meets the majority of their concerns and the majority of ours as a compromise situation. Clark stated it is her understanding that you sent this to the commissioners for final design approval without coming to a public meeting to get that approval. Clark stated they sent it to the Board of Commissioners for them to bring up to a public meeting if they so desired, they did not do that so we have transmitted that to the State for final design approval. Clark stated she does not recall this kind of approval for a final design. Mr. Locke stated we have so many more public hearings than normal on this and so many meetings with the public that it has gotten behind schedule and in order to insure we receive our federal aid funding we have to stay on schedule at this point and not have additional delays in the project. We gave the Board of Commissioners the opportunity at their meeting to do that so we could get that to INDOT in a timely manner. Clark asked when was the time line that we had to have it to INDOT? Mr. Morasch stated we were trying to get it submitted in early January. Clark stated her concern is that you have moved forward with a final design that did not come before this board except via writing and she did not recall that we had ever done that before. Mr. Locke stated he had come before the Board and we had made changes once that met the Board's approval. We had a final public hearing and made a few revisions to work with the neighbors but he believes the Board approved it at the time we made the reductions down to the 11' lanes, removed one turn lane and changed the radius; at that point the Commissioners gave us approval. Clark stated the report she had at the County Council meeting, when you were asked about this project, was that you had accommodated some of the concerns from the neighbors. Mr. Locke stated yes. Clark stated it was her understanding at that hearing that basically the neighbors and everyone who testified, including the Trustee, Advisory Board Member, Carmel Plan Commission, State Representative Jim Atterholt, Commissioner Sharon Clark and Councilor Meredith Carter asked you to scale down the project. All you did was put grass over one of the lanes. You have not reduced the right-of-way anywhere. Mr. Morasch stated we scaled down the project. We reduced the number of lanes in all directions. Clark stated following that hearing and what she has it shows that you have only put grass in one of the lanes. Mr. Locke stated we did not make any reductions in right-of-way, we did scale back the number of lanes with the understanding to the State that we would reinstate that if it needed to for traffic concerns. The overwhelming desire from the public was more green space and more amenities such as the stamped brick, more pedestrian access which we provided by having some pedestrian refuges in the middle of the roadway, a place for them to stand if they don't get all the way across the street at one time. We have added quite a few amenities at their request and still protecting the public and making it a good viable project

to move traffic through the county. Clark stated as you know this will be largest intersection on College Avenue. It is larger than Allisonville and 146th Street intersection. Mr. Morasch stated that is not correct. Clark stated there are five lanes north bound at Allisonville and 146th, there are six lanes at College and 106th northbound. Mr. Morasch stated that is not true, on College there are only three lanes in each direction with a turn lane on northbound, which would be four lanes total. Clark stated there are not two thru lanes, one right, one left, two incoming? Mr. Morasch stated there are not two thru lanes on this project in any direction. Clark stated because you have now grassed in one of them? Mr. Morasch stated correct. Clark stated there are six lanes of right-of-way. Clark stated she really thinks this needs to be before the commissioners at the next meeting. She has statements from that meeting and your comment that it was simply the public's wanting of less lanes was not her perception from that hearing. She heard those people saying a smaller project and we did not do that for them. Dillinger asked if we have already approved this? Mr. Locke stated you did once and as a result of the hearing the highway department made additional reductions. Dillinger asked if we approved it again? Mr. Locke stated no, at that point it was given to the Board in December, Clark stated in written form, with the option for the Board to bring it up on December 26th and it did not come up at that meeting. Clark stated it was given to us on the 19th or 20th, she left town on the 20th and she was not at the meeting on the 26th and when she began to realize the public comes those public hearings so they may voice their interest in the process and be part of the process she expects us to have an opportunity to respond and that did not happen.

Clark called a break. Clark called the meeting back to order.

County Council Chambers Realignment: (Tape 2, #1258)

Ms. Judy Levine requested a redesign of the County Council offices. Councilor Levine presented a drawing of the redesign. Currently Councilors Levine and Beaver are sharing a cubicle so Jim Vaughn can have his own office. This will create a permanent closed office for our Fiscal and Grant Analyst. It is comparable in size to the Commissioner's Administrative Assistant and the Veteran's Service Officer. It will create a slightly larger area for us to accommodate council meetings in the middle of the room and it will make for a more effective use of space. This will also establish data link sockets which anticipates future information technology needs. Mr. Vaughn stated the estimated costs are \$9,914.99. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Administrative Assistant:

City of Carmel Wage Committee Appointment:

Mr. Fred Swift stated the City of Carmel has requested a Wage Determination Committee Appointment. They recommend Paul Pace. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Use of Facilities:

Mr. Swift stated the Hamilton County Republican Party has requested the use of the Commissioner's Courtroom on February 28th and the Historic Courtroom on March 21st. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Attorney: (Tape 2, #1444)

Grant of Drainage Easement - Chandler:

Mr. Howard stated this morning during the Drainage Board the Commissioners signed an agreement for the grant of drainage easement and consent to refrain from placing fill materials upon real estate with Thomas E. Chandler, Jr., and Megan A. Chandler. Mr. Howard requested a motion to ratify the Commissioner's signatures and the Auditor will attest. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Truck #138 Damage:

Mr. Howard stated highway truck #138 was totaled in an accident. We received a bid from Sam's Riverside for \$16,269.00 as scrap salvage for the truck. This was one of three bids submitted to SRS who is acting as our adjustor. Mr. Howard recommended the commissioner's accept the bid and authorize Mr. Tom Stevens to execute that transfer of title and work with Mr. Rushforth to sell that totaled truck for that amount. Dillinger motioned to approve. Clark seconded. Motion carried unanimously. Dillinger asked why is that truck titled to the Highway Department? Mr. Stevens stated all highway equipment has been that way. Dillinger asked if they should be titled to the Commissioners? Mr. Howard stated the highway department is a department it is not a municipal corporation. Mr. Stevens stated every titled piece of equipment is titled to the Hamilton County Highway Department. Clark asked what about the rest of the county? Ms. Mills stated we try to make sure it is all titled Board of Commissioners. The Sheriff's Department has authority to own property and their vehicles are titled to the Sheriff. Deputy Farley stated it makes sense to title it to the Sheriff when going to the license branch. It is easier than trying to track someone down for signatures each time we have to go to the licence branch. Mr. Howard stated it is easier to transfer it within their name, they are insured by the county. If you want to change it, you can but he would recommend doing it for future vehicles. Mr. Swift stated all vehicles are titled to the Hamilton County Board of Commissioners except for highway and sheriff. Mr. Stevens stated the reason is that most county vehicles are purchased from County General, historically all highway vehicles have been purchased from the highway budget. Dillinger motioned that all new vehicles be titled to the Hamilton County Board of Commissioners including the Sheriff's department, effective for all vehicles purchased in the future. Clark seconded. Mr. Stevens asked who would be the signatory for registration and plates? Mr. Howard stated the President. Mr. Swift stated the departments that are already named to the commissioners, the department head has done the title work and brings the title to the Auditor to be held. Clark asked if the Auditor holds all the titles? Ms. Mills stated we do not hold the highway titles, but all the other departments. Mr. Stevens stated when we have our excess vehicle sales that it was a lot simpler to declare surplus and sold at auction when they are titled to the highway department. Dillinger stated as an agent to the commissioners, that is fine but appropriately all these vehicles should be under the commissioner's name. Mr. Howard stated you would further authorize the appropriate department head to sign on behalf of the commissioners in order to obtain titles and transfer of titles. Motion carried unanimously.

Liability Trust Claim:

Mr. Howard requested approval of a liability trust claim payable to Joe Roberts in the amount of \$2,455.49. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Animal Control Ordinance:

Clark asked if we will have the animal control ordinance at the next meeting? Mr. Howard stated he will have that at the February 11th meeting.

Hillsdale Drive Home: (Tape 2, #1822)

Mr. Chuck Kiphart stated the McMillan home on 10207 Hillsdale Avenue, Carmel, has been demolished. The foundation has been covered. The fence is still up. It is about 99% cleaned up. Mr. Howard recommended, under the statute for us to proceed, we would be sending a contractor for mobilization costs for no purpose, he suggested the Commissioners instruct Mr. Kiphart to not issue a notice to proceed to the bidder under the condition the dumpsters are off site within two weeks and at such time he be authorized to return the cashiers checks submitted to the bidders and notify them that we are not going to proceed. Dillinger motioned to approve. Clark seconded. Clark asked if the dumpsters will be removed by February 11th? Mr. Kiphart stated yes. Mr. Howard asked Mr. Kiphart to return the checks as soon as the dumpsters are gone if they are gone before February 11th.

Auditor: (Tape 2, #2000)**Liability Trust Claims:**

Ms. Robin Mills requested approval of Liability Trust Claims: 1) Miller Auto Body - \$514.80. Dillinger motioned to approve. Clark seconded. Motion carried unanimously. 2) Miller Auto Body - \$2,465.34. Dillinger motioned to approve. Clark seconded. Motion carried unanimously. 3) Miller Auto Body - \$1,205.28. Dillinger motioned to approve. Clark seconded. Motion carried unanimously. 4) Miller Auto Body - \$847.28. Dillinger motioned to approve. Clark seconded. Motion carried unanimously. 5) Miller Auto Body - \$1,383.10. Dillinger motioned to approve. Clark seconded. Motion carried unanimously. 6) The Hartford - \$379.02. Dillinger motioned to approve. Clark seconded. Motion carried unanimously. 7) Miller Auto Body - \$1,138.04. Dillinger motioned to approve. Clark seconded. Motion carried unanimously. 8) Hartford Insurance Company - \$388.00. Dillinger motioned to approve. Clark seconded. Motion carried unanimously. 9) Hamilton County Community Corrections - \$8,350.00. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Excise Tax Distribution Services Contract Addendum:

Ms. Mills requested approval on an addendum to the SRI Master Contract for Excise Tax Distribution. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

2001 Salaries for Hamilton County Employees:

Ms. Mills requested acceptance of the annual listing of the 2001 salaries of Hamilton County Employees. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Clerk of the Circuit Court Monthly Report:

Ms. Mills requested acceptance of the monthly report of the Clerk of the Circuit Court for

December 2001. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - Drainage Board:

Ms. Mills requested approval of the release of Bonds and Letters of Credit for the Drainage Board. 1) HCDB - B00-004 - Gulf Insurance Company Subdivision Bond No. BE0944675 for the reconstruction of the Krause & Klepfer Drain through Northpoint Sec. 2 - \$23,360.00. 2) HCDB - B00-041 - Gulf Insurance Company Subdivision Bond NO. BE0939961 for the reconstruction of the Oliver Shoemaker Drain through Woodberry, Sec. 5 - \$29,785.00. 3) HCDB - B980007 - Frontier Insurance Company Subdivision Bond No. 119837 for Oak Park Sec. 1A storm sewers - \$61,156.60. 4) HCDB - B980008 - Frontier Insurance Company Subdivision Bond No. 119838 for Oak Park Sec. 1A erosion control - \$10,032.50. 5) HCDB - B970027 - Frontier Insurance Company Subdivision Bond No. 116250 for Kingsley Sec. 1 monumentation - \$1,800.00. 6) HCDB - L00024 - Fifth Third Bank Standby Letter of Credit No. SB12298 for Hazeldell Woods, Sec. 1 erosion control - \$38,500.00. 7) HCDB - L00-022 - Fifth Third Bank Standby Letter of Credit No. SB12288 for Hazeldell Woods, Sec. 1 storm drainage - \$202,214.00. 8) HCDB-L00-0022A - Fifth Third Bank Standby Letter of Credit No. SB12288 for Hazeldell Woods, Sec. 1 storm drainage - \$202,214.00. (Amendment changing name from Hamilton County Drainage Board to Hamilton County Board of Commissioners.) 9) HCDB-B980005 - Fidelity and Deposit Company of Maryland Subdivision Bond for Village Farms, Sec. 16A storm drain - \$93,511.00. 10) HCDB - B00-010 - Frontier Insurance Company Subdivision Bond No. 153015 for the reconstruction of the Oliver Shoemaker Drain through Woodberry Sec. 3 - \$40,644.00. 11) HCDB-B99019 - Frontier Insurance Company Subdivision Bond No. 147468 for the reconstruction of the Oliver Shoemaker Drain through Woodberry Sec. 4 - \$72,580.00. 12) Frontier Insurance Company Subdivision Bond No. 88995 for Setters Run Sec. 1 monuments and markers - \$3,300.00. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Household Hazardous Waste Agreement:

Ms. Mills requested approval of the Household Hazardous Waste Agreement. Dillinger motioned to approve. Clark seconded. Motion carried unanimously. Clark commended the Auditor, Attorney, Health Board, County Council and Solid Waste Board for coming together for a very controversial issue. Clark thanked everyone for their work.

Vendor Claims:

Ms. Mills requested approval of the Vendor Claims to be paid January 29, 2002. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Payroll Claims:

Ms. Mills requested approval of Payroll Claims for payment on February 1, 2002 and one employee's payroll for the period of December 22 - January 5 that was missed. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Full Circle Services Agreement:

Ms. Mills requested approval of the Full Circle Services Agreement for recovering unclaimed

funds. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

Car Accidents:

Clark asked Mr. Jeff Rushforth if the Safety Committee addressed the car accidents at the Sheriff's Department? Mr. Rushforth stated most of the accidents that happened at the beginning of the year, the County was not at fault. We did adopt the Fleet Safety Policy and the Sheriff's Department has been working with him on the paperwork. The review of accidents have come a long way. It will take a little bit of time to stay on top of the paperwork. Clark asked if we are still having employees participate in the safety driving classes? Mr. Rushforth stated yes, when needed. The Sheriff's Department has two or three programs in place that they use. Within the Fleet Safety Policy, once they meet a certain criteria they will have to attend some defensive driving classes. Dillinger asked if there is any need for them to attend our driving classes? Mr. Rushforth stated any defensive driving classes would help. He has reviewed several of their programs and they have several good programs. The more everybody grows and the more fleet we add on, there will be more accidents. Clark asked if at least 75% of the accidents were not our fault? Mr. Rushforth stated yes. Dillinger asked if there is anything we need to be doing that we are not doing? Mr. Rushforth stated for the mileage that is driven, besides staying on top of the paperwork, the disciplinary action and review boards we are within a reasonable rate. Mr. Rushforth stated with the programs we have put in place he has a better feeling for it than a year ago.

9925 Chester Drive Damaged House: (Tape 2, #2670)

Mr. Kiphart stated a house on 9925 Chester Drive, Carmel had a fireplace fire in November 2001. Since we sent out the original order the house has been sold and the new owner has received a copy of the same order. The new owner has spoken with Mr. Kiphart and has asked that no action be taken for 30 days. He is committed to getting the house torn down. He has put up a security fence and he has cleaned up the front of the house. The order Mr. Kiphart sent gave him until March 2, 2002 to have the property cleaned up. Mr. Kiphart requested the Commissioners affirm the order that has the 30 days built in to it as he requested. Dillinger motioned to approve. Mr. Kiphart will report back after the 30 days. Clark seconded. Motion carried unanimously.

Courtney Rezone:

Mr. Kiphart requested approval of a rezone for Michael & Lydia Courtney. This is located on the south side of the White River from an A-2 to an A-2P district which would allow the Courtneys to divide this into 2 parcels, one for an existing house and a second parcel so a family member can build on the second property. They have agreed to share the existing driveway. This did go through the Plan Commission on January 8, 2002 and it was voted to approve the rezone by 6-yes, 0-no. Dillinger motioned to approve. Clark seconded. Motion carried unanimously.

RFP Award for E911 Needs Assessment:

Clark stated the GIS Manager and the three communication directors have assured her that CompassCom was the choice for the E911 Needs Assessment. Mr. Larry Stout stated CompassCom was responsive to the RFP and he is not sure Digital Data was responsive. Mr. Howard asked if there was a background check to determine if they can be responsible

financially and technically to complete the project. Mr. Stout stated he did not check references or check the company's financial conditions. Mr. Howard opened the cost proposal for CompassCom. Their cost proposal is \$18,825.00. Clark stated that proposal was county wide and since then Carmel and Noblesville have done their entire townships. Mr. Stout stated that is for a needs assessment and the fact that Noblesville and Carmel have been active in their areas of responsibility the cost of the needs assessment would be higher rather than lower. There will be more people to talk to and coordinate with. Mr. Howard asked if the scope of the project has changed since October 8th? Mr. Stout stated no, we have always known about Carmel and Noblesville. Mr. Howard asked if that was indicated in the RFP? Mr. Stout stated he believes so. Clark motioned to approve the contract for Needs Assessment for the address ranges to CompassCom. Dillinger seconded. Motion carried unanimously.

Clark adjourned the meeting. Dillinger seconded. Motion carried unanimously.

Correspondence

County Council Space Realignment Memo from Jim Vaughn

Clay Regional Waste District Board Appointment Thank you Letter

INDOT List of Upcoming Projects date 1/23/02

Town of Fishers Notice of Public Hearing - 116th Street, West of Olio Road

HB 1317 Road Funding Distribution Fax from Representative Ron Liggett

Resignation Letter from Dave Tudor re: Westfield Washington Chamber of Commerce

Storm Water Rule News Release from Bonar Group

Indiana LTAP 2001 Bridge Sufficiency Rating Report Amendment

IDEM Notice of Decision:

Firestone Industrial Products - Approved

IDEM Notice of Appeal Rights:

The Lakes at Prairie Crossing, Section 2

Present

Sharon R. Clark, Commissioner Wilson	David
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Steven C. Dillinger, Commissioner Kiphart	Chuck
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Robin M. Mills, Auditor Woodard, Bid Opening	Scott
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Kim Rauch, Executive Secretary to Auditor	Bret
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Leininger, Bid Opening

Fred Swift, Administrative Assistant to Commissioners
Ottesen, Bid Opening

Tim

Michael A. Howard, Attorney
Darlene Musselman, IMI

Tom K. Stevens, Highway Director
Canterbury, E&B

Larry

Les Locke, Highway Engineer
Tholen, Bid Opening

Todd

Kathy Howard, Highway Department
Coverdale, Chief Deputy Auditor

Dawn

Virginia Hughes, Administrative Assistant to Highway Engineer
McMillan, Hillsdale Avenue Home

Terry

Jim Neal, Highway Project Engineer
Warner, Buildings & Grounds

Scott

Dave Lucas, Highway Inspector
Rushforth, Safety Risk Manager

Jeff

Robert Chadwell, Highway Inspector

Steve Broermann, Highway Technical Engineer

Christopher Burt, Highway Staff Engineer

Tim Knapp, Highway Right-of-Way Specialist

Matt Morasch, Transportation Development Engineer

APPROVED

Matt Knight, Highway Staff Engineer
COUNTY BOARD OF COMMISSIONERS

HAMILTON

Mike McBride, Small Structure Staff Engineer

Dustin Teachnor, Highway Assets Manager

Faraz Hahn, Highway Department

Dick Frost, Commentary to Commissioners

Chuck Bracken, Shelly & Sands

Sally Wilson, Treasurer

John A. Hiatt, County Council

Judy Levine, County Council

Christine Altman, County Council

Jim Vaughn, Fiscal & Grant Analyst

P. Miles Kappes, 9115 E. 146th Street

ATTEST:

Brad Johnston, Indianapolis Star
Auditor

Robin M. Mills,

Ali S. Abutares, ASA Engineering

Paul Wilson, Madison County Commissioner

Floyd Burroughs, FEBA

Dennis Neidigh, Engineering Design & Inspections Services, Inc.

Steve Christen, Stephen J. Christian & Associates, P.C.